

REMARKS

Claims 18, 19, and 21-25 have been previously cancelled. Claims 2, 8, 10, and 17 are as originally filed; and claims 7, 14-16, 26, and 28-31 are as previously presented.

Claims 1, 3-6, 9, 11-13, 20, 27, 32, and 33 have been amended; however, no new matter has been introduced. Claims 1, 3, and 5 have been amended to remove non elected subject matter. Claims 4-6, 9, and 11-13 have been amended to remove recitation of “preferred”. Claim 27 has been amended to correct a typographical error. Lastly, claims 20, 32, and 33 have been amended to be directed to a method for treating Chronic Obstructive Pulmonary Disease. Support for this amendment can be found at page 27, line 12 of the specification as filed.

New claims 34-40 have been added. Support for these claims can be found in original claims 4-6, 9, and 11-13. No new matter has been introduced.

With these amendments, claims 1-17, 20, and 26-40 are pending.

Rejection of claims 20, 32, and 33 under 35 U.S.C. § 112, 1st paragraph

Claims 20, 32, and 33 have been rejected under 35 U.S.C. § 112, 1st paragraph for allegedly lacking enablement. In particular, the Office asserts that the specification,

“while being enabling for a method of treating COPD, does not reasonably provide enablement for a method of treating respiratory disorders in connection with Chronic Obstructive Pulmonary Disease or for treating symptoms related to chronic bronchitis, emphysema, cough, cystic fibrosis, pulmonary fibrosis, adult respiratory distress syndrome, rhinitis or asthma”.

While applicants respectfully disagree with this rejection, in order to expedite prosecution, the claims were amended to be directed to treatment Chronic Obstructive Pulmonary Disease. Applicants respectfully request reconsideration and withdrawal of the § 112, 1st paragraph rejection of claims 20, 32, and 33.

Rejection of claims 4-6, 9 and 11-13 under 35 U.S.C. § 112, 2nd paragraph

Claims 4-6, 9 and 11-13 have been rejected under 35 U.S.C. § 112, 2nd paragraph for being indefinite. In particular, these claims recite the term “preferably”, which the Office found

confusing and indefinite. In response, Applicants have amended claims 4-6, 9, and 11-13 to delete the recitation of “preferably”, thereby obviating this rejection.

Claim Objections

Claims 1-3, 7-8, 10, 14-17, and 26-31 are objected to for containing non-elected subject matter. Applicants have amended claims 1, 3, and 5 to remove the non-elected matter, as suggested by the office.

In light of the all above arguments, the Applicant respectfully requests reconsideration and withdrawal of the rejections of the pending claims. If the Examiner believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,

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